### SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

#### I. EXECUTIVE SUMMARY

Date of Incident:	August 1, 2017
Time of Incident:	10:50p.m.
Location of Incident:	Chicago IL
Date of COPA Notification:	August 2, 2017
Time of COPA Notification:	8:57a.m.
movie detail and were acting as ad- Chicago area. As the television cre truck between members of the com- officers to assist with crowd control his bicycle and leaned up against the and attempted to placed his hand on did this, of the community became unruly a	ne production equipment. Officer walked up to escort him away from the equipment. Officer shoulder and requested he leave the area. As Officer fell off his bicycle and ended up on the ground. Members and accused Officer of pushing st units and members of the district police department
Involved Officer #1:	Star Emp. DOA: 2007, Officer, Unit DOB: 1984, Male, White
Involved Officer #2:	Star Emp. DOA: 2004, Sergeant, Unit DOB: 1981, Male, Asian Pacific Islander
Involved Individual #1:	DOB: 2005, Male, Hispanic

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<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>&</sup>lt;sup>2</sup> Officers &

## III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer	1. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you directed profanity at by saying words to the effect of "come here, motherfucker."	Not sustained
	2. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you engaged in an unnecessary physical altercation with by grabbing and tossing him to the ground.	Not sustained
	3. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not identify yourself by providing your name when requested by a private citizen,	Sustained/Three days suspension
Sergeant	1. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not initiate an investigation when told you that she wanted to report that a Chicago Police Department member had assaulted her son,	Sustained/Three days suspension
	2. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not order Police Officer to correctly identify himself after he did not do so when you heard a private citizen, ask Officer to identify himself by name.	Sustained/Three days suspension
	3. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not record a lawenforcement-related encounter with by activating your body-worn camera.	Sustained/Three days suspension

## IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 5: Failure to perform any duty
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
3. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
General Orders
1. G08-01-02
Special Orders
1. S03-14

# V. INVESTIGATION<sup>3</sup>

a. Interviews

## Civilian Interviews

and	Interview-	(age 11) was
interviewed in the presence of his mothe	on Aug	ust 3, 2017 at IPRA offices.
According to on the da	ay of the incident he was ou	itside riding his bike with his
friends. There was also a production cre	ew in the area filming a tele	vision show. The production
crew called the police and two uniformer	d officers arrived. When the	e officers arrived, they told
everybody outside to move around. As	was movi	ng away from the production
crew, one of the officers told him to "con	me here, motherfucker". B	oth officers approached
and grabbed him from	his arms and dropped him t	to the ground. According to
the officers were on bo		C
and grabbed the back of his bicycle when	el. descri	bed the officers as white
males. When was drop	pped to the ground he hurt h	nis lower back.
mother,	asked one of t	he officers for his name but
he refused to give it to her and covered h	nis badge. The officer then	called for back-up. A
sergeant arrived on the scene and	spoke to the ser	geant and informed the
sergeant that she wanted to press charges		
the police station. When		
they could not press charges on the offic	er and directed her to go ba	ck home and call 911 and asl

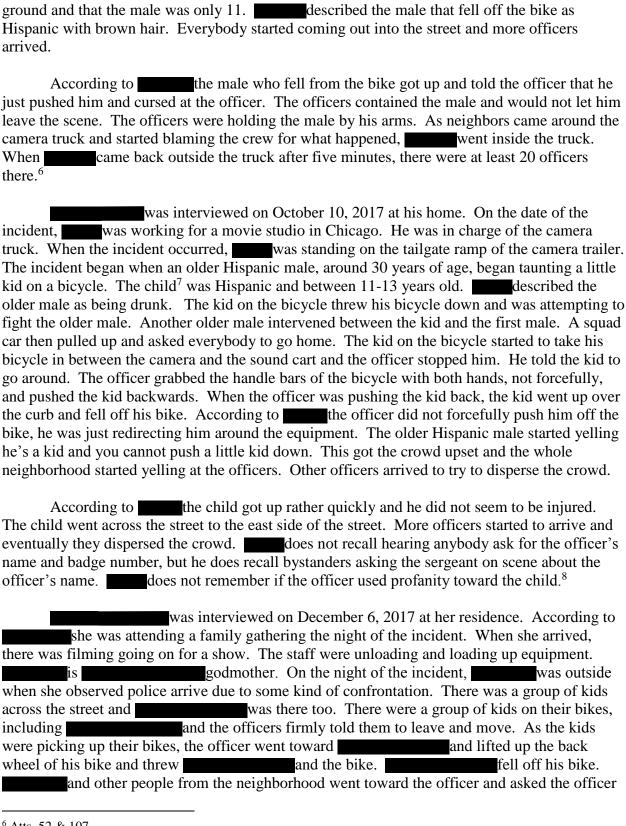
<sup>&</sup>lt;sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

for a sergeant to come to her. She called 911 and they informed her that they would send a sergeant to speak with her. After speaking to the sergeant, she took her son to the emergency room.<sup>4</sup>

was interviewed on September 27, 2017 at COPA offices. According to on the date of the incident he was working as a production assistant for a television show being filmed in the area. There were two uniformed officers that were assisting with security on the date of the incident. One of the officers first name was When production was finishing up for the day, an argument started between people who were standing outside watching the filming. The film crew felt unsafe, so they called security over to tell the guys to calm down. Then the two police officers were called over to the area to assist the security guards. The crowd was originally gathered on the eastern side of the street, but then they moved to the western side of the street near the production truck. The officers asked the members of the crowd to disperse but the crowd was not obeying the officers' requests. paying that much attention because he was still talking to other co-workers, but the next thing he noticed is that the crowd doubled in size and three squad cars showed up. According to Officer asked the crowd to leave the set, but the crowd was still not listening to him. The saw the child on the bike and according to as if the child was trying to run over the officer's foot. The officer asked the kid on the bike what he was doing, and the kid fell off the bike. The neighborhood erupted after that. According to from what he observed, he saw the kid veering toward the officers and then the kid lost control of the bike. It appeared to that Officer was trying to grab the bike handlebars to keep the bike balanced. The crowd started yelling at officer asking him why he touched the kid. described the kid as Hispanic, husky and 4'9 to 4'10. was unsure as to if Officer actually touched the kid. After the kid fell off the bike, the kid just got back up as if everything was fine. According to he did not hear any officer say "come here, motherfucker" to the kid nor did he see any officer lift the kid from his bike and drop him to the ground. remember hearing people asking for Officer name and badge number.<sup>5</sup> was interviewed via telephone on September 29, 2017. On the date of the incident, was working as a camera production assistant on the television show Shameless. At around 10:50p.m. there was a heated argument between the residents in the neighborhood. A camera crew member asked for security to come to the area. Security and police officers responded to the area and asked the guys to disperse, but they ignored the officers' requests. According to the officers were in uniform and there were three described the most involved officer as a tall white fit male with dirty blonde hair. The tall white officer grabbed one of the males firmly by the shoulder and asked the male what he said. The male was holding on to a bicycle, he got flustered and tripped over his bike and fell to the ground. According to there was no pushing involved, the male just fell to the ground. His shoulder hit the ground and his stomach area was on top of the bike. Both the male and the bicycle hit the ground. When the male fell to the ground, everybody around assumed the officer pushed the male and they started yelling that the officer pushed him to the

<sup>5</sup> Atts. 48 & 106.

<sup>&</sup>lt;sup>4</sup> Att. 11.



<sup>7</sup> Aus. 32 & 107.

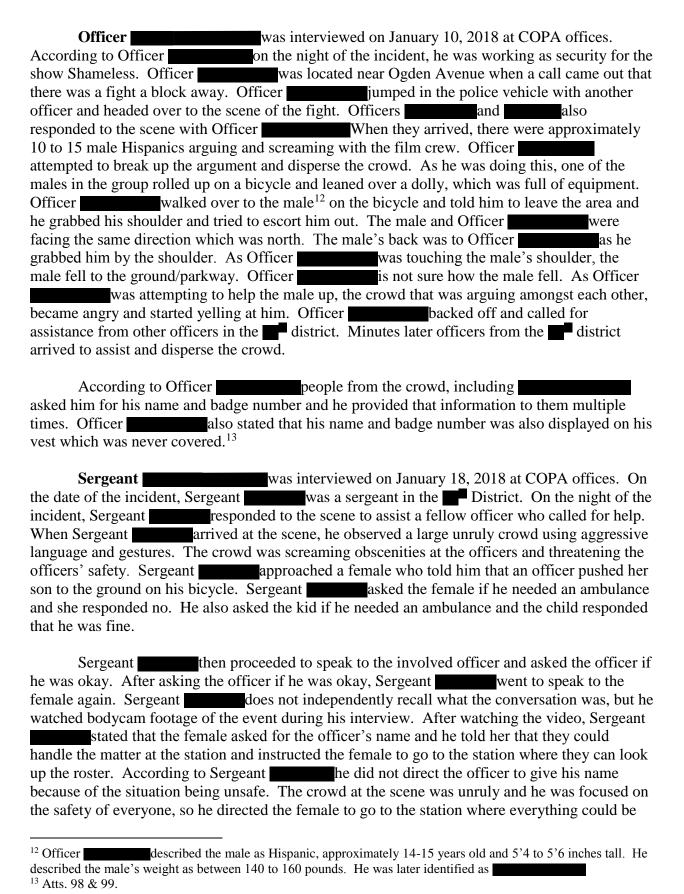
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later identified the child by looking at att. 28, which is a picture of

<sup>&</sup>lt;sup>8</sup> Atts. 57 & 110.

what was going on. described the officer that pushed as a male, Caucasian and very tall. She did not see his badge, but from what she could see his name started with an 'S'.
According to she approached the officer and asked him why he pushed the child. Other members of the neighborhood started yelling at the officer. asked the officer for his name and badge number, but the officer refused to talk and just put his head down. Other officers were called, and he just drifted into the crowd between other officers. complained of back pain and he kept touching his back after he got up from the ground. After the incident, went to the police station to file a report against the officer.
Officer Interviews
Officer was working movie detail for the movie Shameless.  Officer was working with several other officers that day, but he does not know them by name because this was his first time working with the officers. On the night of the incident, Officer recalls there being a call asking for assistance regarding gang bangers hanging out around the equipment area. Several officers responded to the area, and Officer heard people using profanity. One of the members of the production crew approached Officer and asked him to assist. Officer went over to the scene to assist. By the time Officer arrived at the scene, the incident involving the child had already occurred. When Officer arrived at the scene he observed a lot of commotion and people using profanity directed at the officers. The crowd eventually dispersed. 10
Officer was interviewed on November 9, 2017 at the COPA offices. According to Officer on the night of the incident he was assigned to the movie detail. There were other officers working at the same scene, but Officer did not know any of the other officers working that day. All the officers work in different districts and only met that day for the first time. On the night of the incident, Officer was notified by the production crew that somebody was fighting near their equipment and he responded to the scene to assist. When Officer arrived, he observed a commotion and a kid wearing a white shirt getting up with his bike from the grassy part of the sidewalk area. Officer also observed Officer near the kid.
Officer also heard the child's mother ask Officer for his badge number, but he is unsure if Officer responded to the request or not. Officer also heard the mother of the child state that she wanted to file a complaint. Officer did not hear any officer use profanity toward the child, nor did he observe any officer lift the child up from the bike and drop him to the ground. <sup>11</sup>

<sup>&</sup>lt;sup>9</sup> Atts. 85 & 109. <sup>10</sup> Atts. 75 & 111. <sup>11</sup> Atts. 74 & 112.



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safely initiated. The female and her family got into their vehicle and left the scene. Sergeant remained on the scene to assist with the crowd. According to Sergeant he did not initiate a complaint for the female because the scene was unsafe. He also did not go back to the station with the female when she went to make a complaint. He stated that there were multiple supervisors at the station who could assist the female. Sergeant acknowledged that he knew the female wanted to make a complaint. also stated that he was wearing a body-worn camera during the night of the incident but did not activate it because it was not the first thing on his mind given how chaotic the scene was. Sergeant also stated that he has worked a decade without a body-worn camera and it is something new to him, so he activates it when he remembers. 14 b. Digital Evidence In-car camera footage as well as body-worn camera footage was requested in the present case. The relevant footage is the body-worn footage from Officer The footage shows Officer walking up to the scene. There are several other officers and a sergeant already present on the scene. There is also a crowd of civilians gathered at the scene. A woman<sup>15</sup> can be heard at 1:37 asking an officer for his name. The officer replies that he already gave it to her. She reiterates that the officer did not give her his name and the officer states again that he already gave it to her. The sergeant chimes in at 1:50 and tells the woman that they will tell her at the station. The woman told the sergeant that she is asking for the officer's name and the sergeant told her that the station has a roster and she can figure it out there. The woman then walked away. 16 c. Physical Evidence According to **medical records** obtained from Mount Sinai Hospital, was seen at the hospital on August 2, 2017 at 2:54a.m. told hospital personnel that he was riding his bike when the police told him to stop. According to did not know the police were talking to him, so he did not stop. The police then grabbed the back of his bike and he fell off the bike onto his back. Hospital personnel examined him and found nothing remarkable, so they gave him Tylenol for pain. No imaging was done due to the risks of radiation and the benign nature of the symptoms and exam according to hospital records. was discharged and directed to take Tylenol or Ibuprofen for pain. 17 d. Documentary Evidence **Original Case Report** documents that officers were called to assist crew members filming a television show near 2300 S. Sacramento. The film crew was packing up their set when an argument and fight broke out near their truck. Upon arrival, officers observed multiple males involved in an argument with the production crew and each other. Responding

<sup>&</sup>lt;sup>14</sup> Atts. 105 & 108.

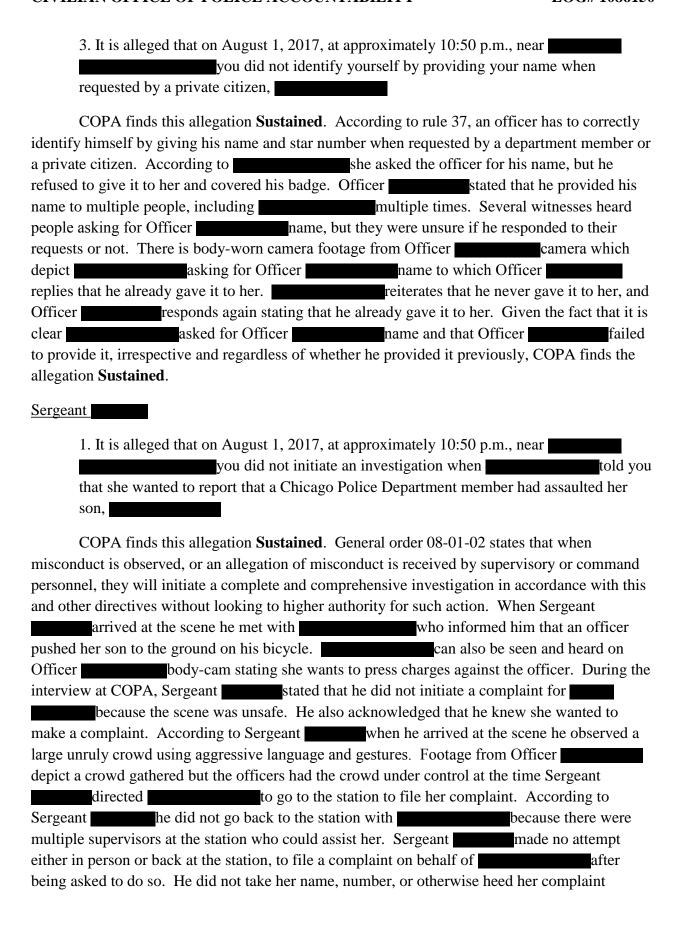
<sup>&</sup>lt;sup>15</sup> Now known as

<sup>&</sup>lt;sup>16</sup> Att. 32.

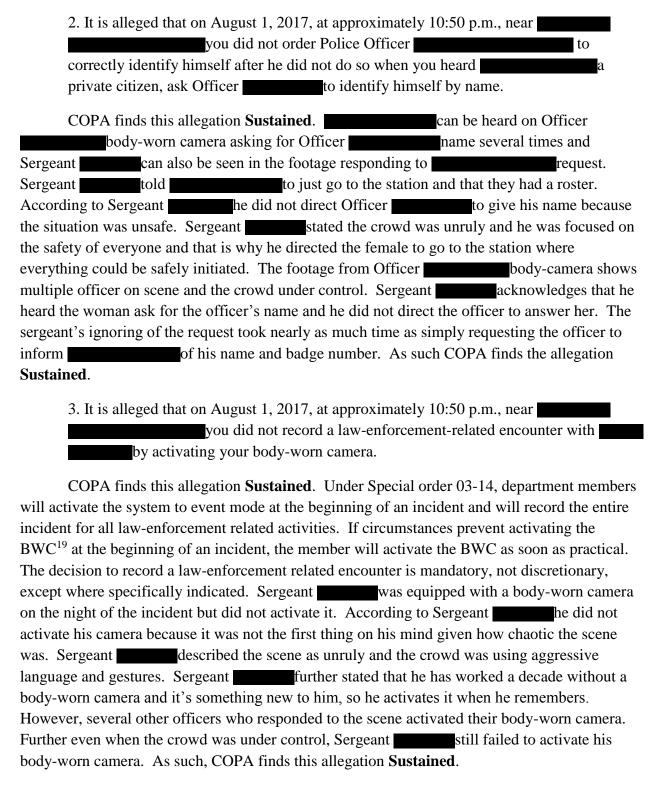
<sup>&</sup>lt;sup>17</sup> Att. 21.

officers attempted to disperse the crowd. As the group was dispersing, one male Hispanic arrived on his bicycle and leaned on the production equipment. Officer walked up to the male and attempted to escort him away from the crew members and the equipment. Officer touched the male's shoulder and requested that he stop leaning on the equipment and move away from the scene. The male subject tripped over his bicycle or the wires on the ground and fell to the ground. Officer immediately attempted to assist the male to his feet, but the crowd became unruly and started approaching the officer in an aggressive manner. The male walked away from the immediate scene under his own power. The officer was unable to assess a need for medical assistance due to the crowd being unruly. Officer requested assistance from the district. <sup>18</sup>
VI. ANALYSIS
Officer
1. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you directed profanity at by saying words to the effect of "come here, motherfucker."
COPA finds this allegation <b>Not Sustained</b> . According to one of the officers on scene told him to "come here, motherfucker". Officer denied saying this to Several other witnesses at the scene also deny hearing Officer use profanity toward There is no independent witness or video that identifies the officer using profanity. As such, COPA finds this allegation <b>Not Sustained</b> .
2. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you engaged in an unnecessary physical altercation with by grabbing and tossing him to the ground.
COPA finds this allegation <b>Not Sustained</b> . According to grabbed him from his arms and dropped him to the ground. Officer denied doing this. According to Officer he approached and told him to leave the area and he grabbed shoulder and attempted to escort him out and fell to the ground. Officer is unsure what caused to fall. He also stated that was leaning over a dolly which was full of equipment and he was attempting to get to move from where the equipment was located. Is stated that she observed an officer lift up the back wheel of the bike and throw and the bike. However, several civilian witnesses working with the production crew also observed the encounter between Officer and and they all deny seeing Officer toss to the ground. There is no independent video that shows the incident. As such, COPA finds this allegation <b>Not Sustained</b> .
18 Att. 4.

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against the officer, regardless of its nature and past "chaotic scene". As such, COPA finds this allegation **Sustained**.



<sup>&</sup>lt;sup>19</sup> Body-worn camera.

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#### VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

#### a. Officer

### i. Complimentary and Disciplinary History

Officer does not have any outstanding complimentary or disciplinary history.

#### ii. Recommended Penalty, by Allegation

#### 1. Allegation No. 3

COPA recommends a penalty of three days suspension. COPA considered the fact that the complainant asked numerous times and the officer failed to identify himself. This interaction is also depicted on body camera footage from the date of the incident.

### b. Sergeant

### i. Complimentary and Disciplinary History

Sergeant does not have any outstanding complimentary or disciplinary history.

#### ii. Recommended Penalty, by Allegation

## 1. Allegation No. 1

COPA recommends a penalty of three days suspension. COPA considered the fact that Sergeant acknowledged the fact that he was aware that the complainant wanted to make a complaint but failed to assist her.

#### 2. Allegation No. 2

COPA recommends a penalty of three days suspension. COPA considered the fact that Sergeant acknowledged the fact that he heard the complainant ask for the officer's name and he did not direct the officer to provide his information. This interaction is also depicted on body camera footage from the date of the incident.

#### 3. Allegation No. 3

COPA recommends a penalty of three days suspension. COPA considered the fact that Sergeant acknowledged the fact that he was wearing a body worn camera but failed to activate it.

#### VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer	1. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you directed profanity at by saying words to the effect of "come here, motherfucker."	Not sustained
	2. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you engaged in an unnecessary physical altercation with by grabbing and tossing him to the ground.	Not sustained
	3. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not identify yourself by providing your name when requested by a private citizen,	Sustained/Three days suspension
Sergeant	1. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not initiate an investigation when told you that she wanted to report that a Chicago Police Department member had assaulted her son,	Sustained/Three days suspension
	2. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not order Police Officer to correctly identify himself after he did not do so when you heard a private citizen, ask Officer to identify himself by name.	Sustained/Three days suspension
	3. It is alleged that on August 1, 2017, at approximately 10:50 p.m., near you did not record a lawenforcement-related encounter with by activating your body-worn camera.	Sustained/Three days suspension

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Approved:	
Angela Hearts-Glass	Date
Deputy Chief Administrator – Chief Investigator	

# Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass